

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the purposes for which it was intended. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 18, 1949. Default decree of condemnation and destruction.

3024. Misbranding of miscellaneous salvaged drugs. U. S. v. 25 Crates, etc. (F. D. C. No. 27154. Sample No. 62100-K.)

LIBEL FILED: April 21, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 17, 1948, by the Underwriter Salvage Co. of New York, from Providence, R. I.

PRODUCT: 25 crates and 36 cartons of miscellaneous salvaged drugs at West Lynn, Mass. A portion of the material had been fire-damaged. Some bottles and jars were unlabeled; in some bottles a number of tablets had partially disintegrated; and in some bottles a number of tablets had fused and adhered to the bottoms of the bottles.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the labels of the articles failed to bear accurate statements of the quantity of the contents; Section 502 (e) (2), the articles were fabricated from two or more ingredients, and their labels failed to bear the common or usual names of the active ingredients; and, Section 502 (f) (2), the labeling of the articles failed to bear adequate warnings against use in those pathological conditions and by children where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration and application.

The libel alleged also that certain products included in the shipment were misbranded under the provisions of the law applicable to foods and cosmetics, as reported in notices of judgment on foods, No. 15648, and in notices of judgment on cosmetics. (The notice of judgment on cosmetics will be issued at a later date.)

DISPOSITION: May 26, 1949. The Triangle Sales Corp., Lynn, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency. The unfit portion of the products was segregated and destroyed.

3025. Misbranding of Spectro-Chrome devices. U. S. v. 1 Device * * * (and 29 other seizure actions). (F. D. C. Nos. 25039, 25040, 25059 to 25070, incl., 25118 to 25120, incl., 25125, 25126, 25128, 25129, 25131 to 25135, incl., 25208, 25220, 25252, 25273. Sample Nos. 14001-K to 14018-K, incl., 14478-K to 14484-K, incl., 15549-K, 18249-K, 18253-K, 24624-K, 37078-K.)

LIBELS FILED: Between July 14, 1948, and February 15, 1949, Eastern and Western Districts of Wisconsin, Eastern District of Washington, Eastern District of Michigan, and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of December 19, 1947, and March 8, 1948, by Dinshah P. Ghadiali and the Dinshah Spectro-Chrome Institute, from Malaga, N. J.

PRODUCT: 30 *Spectro-Chrome* devices at Colfax, El Dorado, Milwaukee, Fond du Lac, and Newton, Wis.; Detroit, Flat Rock, Hamtramck, Wyandotte, Dearborn, Lenox, and Royal Oak, Mich.; Liberty, Wash.; and Cleveland and Euclid, Ohio.

Examination showed that the device consisted essentially of a cabinet equipped with a 1,000-watt floodlight bulb, an electric fan, a container for water for cooling purposes, two glass condenser lenses for concentrating the light, and a number of glass slides of different colors.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use for the purposes for which it was intended.

DISPOSITION: Between the dates of October 26, 1948, and December 27, 1949. The following-named individuals in possession of the devices refused to surrender them when the marshal first attempted to make seizure: Walter Chandler, Mrs. Blanch C. Leighton, Mrs. Kate Kirsammer, William Cunningham, Joseph Lipinski, John A. McDougall, John B. Cunningham, Fred Petsch, and Stella Hitkowski, all of Detroit, Mich.; Mrs. Anna Cabaj, Hamtramck, Mich.; Mrs. Victoria Dabrowa, Wyandotte, Mich.; Dorothy Westphol, Dearborn, Mich.; and Joseph A. Lull, Milwaukee, Wis. However, the Government instituted proceedings in the appropriate courts, which resulted in the issuance by the courts of orders to each of the individuals, upon the receipt of which the 13 devices involved were surrendered. Counsel representing several of the above-named individuals, and also another consignee of Detroit, Mich., intervened, whereupon on motion of the Government's attorneys, orders were entered directing the individuals to post security for costs. The orders provided that failure to post such security would effect a default, entitling the Government to judgment. Since no answers were filed and no security for costs was posted, defaults were duly noted.

No claimant appeared for the devices involved in the remaining actions, with the exception that Jack Kirsch, Liberty, Wash., appeared as the claimant for the device seized at that point. Mr. Kirsch filed an answer denying the misbranding of the device, but subsequently admitted the allegations of the libel and consented to the entry of a decree.

Decrees of condemnation were entered in all cases, and the courts ordered that the devices be destroyed, with the exception of four that were ordered delivered to the Food and Drug Administration.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

3026. Adulteration of dextro-amphetamine hydrochloride tablets. U. S. v. 52,000 Tablets * * *. (F. D. C. No. 28751. Sample No. 47649-K.)

LIBEL FILED: March 9, 1950, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about August 29, 1949, by Hance Bros. & White Co., from Philadelphia, Pa.

PRODUCT: 52,000 *dextro-amphetamine hydrochloride tablets* at Norfolk, Va.

LABEL, IN PART: (Drum) "C. T. 'Pale Yellow' Each containing: d-Amphetamine HCl. 5 Mg."; (portion repackaged into bottles) "Dexo-Tabs Each Tablet Contains Dextro-Amphetamine Hydrochloride 5 Mg."